

NEW JERSEY DEVELOPMENTAL DISABILITIES COUNCIL

CODE OF ETHICS

I. STATEMENT OF PURPOSE AND PRINCIPLES

The New Jersey Developmental Disabilities Council (the DD Council) was established pursuant to Executive Order Number 20 (1971), as amended by Executive Order Number 49 (1973), and Executive Order Number 42 (1976). It is charged, under 42 U.S.C. secs. 6000, et seq., the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, and N.J.S.A. 30:1AA-1 et seq., with the planning and coordination of activities pertinent to the study, review and recommendation of services and programs to address the needs and concerns of persons with developmental disabilities. The DD Council, in its capacity "as an advocate for all persons with developmental disabilities," 42 U.S.C. sec. 6024, receives federal funding to assist New Jersey "in the development of a comprehensive system and a coordinated array of services and other assistance for persons with developmental disabilities...." 42 U.S.C. sec. 6021.

As a part of the Executive Branch of State Government located within the Department of Human Services pursuant to N.J.S.A. 30:1AA-2, the DD Council is guided in the conduct of its activities by the following findings:

(a) In our representative form of government, it is essential that the conduct of public officials and employees shall hold the respect and confidence of the people. Public officials must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.

(b) To ensure propriety and preserve public confidence, persons serving in government should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them. Some standards of this type may be enacted as general statutory prohibitions or requirements; others, because of complexity and variety of circumstances, are best left to the governance of codes of ethics formulated to meet the specific needs and conditions of the several agencies of government.

(c) It is also recognized that under a free government it is both necessary and desirable that all citizens, public officials included, should have certain specific interests in the decisions of government, and that the activities and conduct of public officials should not, therefore, be unduly circumscribed. N.J.S.A. 52:13D-12 (as amended January 1992) (New Jersey Conflicts of Interest Law)

II. DEFINITIONS

State agency means any department of the State organized under the Executive Branch and any agency, office, board, council or other entity within such departments or created thereby; the Legislature; and any entity within or created by the Legislature; and any independent State entity as consistent with law.

State officer or employee means any person, other than a special State officer or employee, holding an office or employment in a State agency, including any full-time employee of the Developmental Disabilities Council.

Special state officer or employee means any person holding an office or employment in a State agency for which no compensation, or no compensation other than reimbursement for expenses, is authorized or provided for by law; or any person holding a part-time appointive office or employment in a State agency, including any member of the Developmental Disabilities Council.

Council means the New Jersey Developmental Disabilities Council (DD Council).

Council member means a person officially appointed or designated by the Government to serve as a public or State agency member in accordance with N.J.S.A. 30:1AA-3 and 4.

Council employee means any person employed by the DD Council on a full-time, part-time or contractual basis.

Member of the immediate family means the spouse, child, parent, sibling, or co-habitant of a DD Council member or employee residing in the same household.

Interest means the ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the "Professional Service Corporation Act," P.L. 1969, c. 232 (C. 14A-17-1 et seq.)

III. AUTHORITY

As a "State agency" within the meaning and scope of the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., the Developmental Disabilities Council's Code of Ethics shall conform to the following general standards as mandated by N.J.S.A. 52:13D-23(e):

(1) No State officer or employee or special State officer or employee should have, any interest financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

(2) No State officer or employee or special State officer or employee should engage in any particular business, profession, trade or occupation which is subject to licensing or regulations by a specific agency of State Government without promptly filing notice of such activity with the Executive Commission on Ethical Standards, if he is an officer or employee in the Executive Branch, or with the Joint Legislative Committee on Ethical Standards, if he is an officer or employee in the Legislative Branch.

(3) No State officer or employee or special State officer or employee should use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

(4) No State officer or employee or special State officer or employee should act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.

(5) No State officer or employee or special State officer or employee should undertake any employment or services, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.

(6) No State officer or employee or special State officer or employee should accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred: that such gift, service or other thing of value was given or offered for the purpose of influencing him in the discharge of his official duties.

(7) No State officer or employee or special State officer or employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as a State officer or employee or special State officer or employee.

(8) Rules of conduct adopted pursuant to these principles should recognize that under our democratic form of government public officials and employees should be drawn from all of our society, that citizens who serve in government can not and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officials and employees have a right to private interest of a personal, financial and economic nature; that standards of conduct should separate those conflicts of interest which are unavoidable in a free society from those conflicts of interest which are substantial and material, or which bring government into disrepute.

IV. CONFLICTS OF INTEREST GUIDELINES

For purposes of this section, interest shall mean direct or indirect personal or financial gain or benefit of a substantial or material nature.

(1) Pursuant to the general standards set forth in New Jersey's Conflicts of Interest Law, N.J.S.A. 52:13D-23(e), the employees and members of the DD Council shall be guided and governed by the following principles:

(a) No employee or member of the DD Council shall participate in the planning, discussion, selection, award or administration of, or decision making related to the DD Council's providing a grant or loan to or entering into an agreement or contract for services, supplies or materials with, a person, organization, program or other entity in which the employee or member, or a member of his immediate family, has an interest, is employed by, or serves on the Board of.

(b) Whenever an employee or member of the DD Council has reason to believe, or anticipates, that he/she has a conflict of interest as described in section (a) above, he/she shall notify the DD Council chairperson, or in the case of the chairperson, the vice chairperson, and shall recuse him/herself from participating in the planning, discussion, recommendation, or other decision making regarding such transaction.

(c) A DD Council member who has a conflict of interest regarding any matter before the DD Council, whether of a financial or nonfinancial nature, shall recuse him/herself from all discussions and actions regarding that matter.

(2) A DD Council member or employee who has a conflict of interest pursuant to (a), (b) or (c) above shall not use his/her influence to affect the decision on the matter involving his/her conflict of interest.

(3) No DD Council member or employee shall: (1) within a period of one year after such service with the Council, interact with the DD Council pursuant to entering into any relationship with the DD Council involving an agreement or contract for the purchase of services, supplies or materials, or the grant, award or loan of money; or (2) after leaving such service with the Council appear before the DD Council in relation to any matter in which he/she has directly and substantially involved or participated in during his/her DD Council service.

IV. DISCLOSURE OR USE FOR PERSONAL GAIN INFORMATION NOT AVAILABLE TO PUBLIC

(1) No DD Council member or employee shall divulge Without DD Council knowledge and approval, confidential information regarding DD Council business, actions, or activities which is not, or has not been, authorized by the DD Council to be released to the public. This provision does not apply to activities of the DD Council which are subject to N.J.S.A. 10:4-6 et seq., New Jersey's Open Public Meetings Act, or N.J.S.A. 47:1A-1 et seq., New Jersey's Right to Know Law.

(2) No DD Council member or employee, shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which he/she receives or acquires in the course of and by reason of his/her official duties. No DD Council member or employee, shall use for the purposes of pecuniary gain, whether directly or indirectly, any information not generally available to members, of the public which he/she receives or acquires in the course of and by reason of his/her official duties.

(3) Any employee of the DD Council either full-time or part-time, who is employed or intends to be employed outside the Council, shall complete and forward to the Executive Commission on Ethical Standards for review an outside employment form.

V. POST-EMPLOYMENT RESTRICTION

No DD Council member or employee, subsequent to the termination of his/her office or employment with the DD Council, shall represent, appear for, negotiate on behalf of or provide information not generally available to members of the public or services to, or agree to represent, appear for, negotiate on behalf of, or provide information not generally available to members of the

public or services to, whether by himself/herself or through any partnership, firm or corporation in which he/she has an interest or through any partnership, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such DD Council member or employee shall have made any investigation, rendered any ruling, given an opinion, or been otherwise substantially and directly involved at any time during the course of his/her office or employment. Any person who willfully violates the provisions of this section is a disorderly person, and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed six months, or both.

VI. PROCEDURES

(1) Questions or concerns regarding conflicts of interest involving any DD Council member or employee shall be reviewed by the Council's Ethics Review Committee.

(2) Requests for review by the Council's Ethics Review Committee may be made by any DD Council member or employee.

(3) A DD Council member or employee about whom there are questions regarding conflicts of interest shall have the opportunity to provide information about or respond to such concerns in writing or by appearing in person before the Council's Ethics Review Committee.

(4) After receiving an initial request to review a conflict of interest matter, the Council's Ethics Review committee shall issue its findings to the full DD Council in a timely manner.

(5) The DD Council shall accept or reject the findings of the Council's Ethics Review Committee at the first regular Council meeting after the Chairperson of the DD Council is notified by the Council's Ethics Review Committee that it has completed its review. If time constraints do not permit full DD Council action, the Executive Committee shall act in accordance with the DD Council's emergency action procedures.

(6) If the DD Council member or employee involved in a conflict of interest objects to the findings of the Council's Ethics Review Committee and the decision of the DD Council, he/she may request one reconsideration by the Council's Ethics Review Committee and DD Council if he/she has information related to the matter which was not previously considered.

(7) All decisions of the Ethics Review Committee shall, after Council action, be submitted to the Executive Commission on Ethical Standards.

(8) A DD Council member or employee found guilty of violating any provision of the Code of Ethics shall, within 30 days of receiving the final written opinion of the Council's Ethics Review Committee, have the right to appeal the adverse decision to the Executive Commission on Ethical Standards at 28 West State Street, CN 082, Trenton, New Jersey 08625.

(9) No action for removal or discipline shall be taken under this Code of Ethics except upon the approval of the Executive Commission on Ethical Standards. (N.J.S.A. 52:13D-12 (d))

VII. VIOLATIONS AND SANCTIONS

In accordance with N.J.S.A. 52:13D-21(i), any DD Council member or employee found guilty of violating any provision of this Code of Ethics shall be fined not less than \$100.00 nor more than \$500.00, and may be suspended from his/her office or employment for a period not in excess of 1 year. A DD Council member or employee whose conduct constitutes a willful and continuous disregard of this Code of Ethics may be removed from his/her office or employment and barred from holding any public office or employment in this State in any capacity whatsoever for a period not exceeding 5 years from the date he/she is found guilty. (N.J.S.A. 52:13D-21(i)).